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Rule 9. Access to Court Records

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(G) Court Records Excluded From Public Access.

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- (4) *Appellate Proceedings.* In appellate proceedings pending as of or commencing after January 1, 2009, parties, counsel, the courts on appeal, and the Clerk of the Supreme Court, Court of Appeals, and Tax Court (“Clerk”) shall have the following obligations:

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- (c) *Cases in which any public access is excluded by trial court order.* In any case in which all or any portion of the record in the case has been excluded from public access by trial court order (“TCO”),
- (i)(A) the appellant shall provide notice in the appropriate place on the ~~appellant's case summary~~ Notice of Appeal (see Ind. Appellate Rule ~~459~~) that all or a portion of the record in the case has been excluded from public access by TCO, and attach to the appellant's case summary all TCOs concerning each exclusion; and
- ...
- (iv) if the appellant does not notify the court on appeal that all or a portion of the record in the case has been excluded from public access by TCO, and attach to the ~~appellant's case summary~~ Notice of Appeal all TCOs concerning each exclusion, as required by (i)(A),
- (A) the Clerk shall be under no obligation to exclude the information from public access; and
- (B) the appellant and appellant's counsel shall be subject to sanctions.

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Rule 14. Use of Telephone and Audiovisual Telecommunication

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(C) **Facilities and Equipment.** In relation to ~~During~~ any hearing or proceeding conducted under this rule, the court shall assure that:

- (1) The facility and equipment ~~provide enable~~ counsel with the ability to confer privately with an out of court party, or with other counsel, off the record, before, during and immediately following the hearing or proceeding~~to be present personally with the out of court party and be able to confer privately with such party outside the reach of the camera and audio microphone~~. Mental health care providers, employees of the Indiana Family and Social Services Administration and its county offices of Family and Children, and county probation officers who appear as witnesses are not parties for the purposes of this section.
- (2) ~~The facility and equipment enable the parties' attorneys to confer with each other off the record.~~When using telephonic and audiovisual telecommunication:
 - (a) All participants are able to fully view and/or converse with each other simultaneously.
 - (b) The facilities have the capacity for contemporaneous transmission of documents and exhibits.
 - (c) Audiovisual images are in color and monitor screens are of sufficient quality, design and architecture as to allow all parties to observe the demeanor and non-verbal communication of the other parties.
 - (d) The telephonic or audiovisual transmission is of sufficient quality, design, and architecture to allow easy listening and/or viewing of all public proceedings.
 - (e) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.
- (3) ~~When using audiovisual telecommunication, the judge must be able to view fully the out of court party and counsel, though not necessarily at the same time. The out of court~~

~~party and counsel must be able to view fully the judge and all attorneys present in the courtroom.~~

~~(4) The facility must have the capacity, through video equipment or through facsimile or E mail, for the contemporaneous transmission of documents and exhibits.~~

~~(5) When using audiovisual telecommunication, images shall be in color; monitor screens shall be no smaller than twenty five (25) inches.~~

~~(6) When using telephonic or audiovisual transmission, such transmission shall be of such quality, design and architecture as to allow easy listening and/or viewing of all public proceedings. The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right that the public may have to access to the courtroom and or jail.~~

~~(7)~~(3) Application may be made ~~A trial court may apply~~ to the Indiana Supreme Court, through the Division of State Court Administration, for approval of a plan that uses alternative procedures and technology that meet the intent and objective of this rule.

(4) The confidentiality accorded to attorney-client communications, and all other privileges applicable under Indiana law, apply.